

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ERIC MCGHEE,

Petitioner,

v.

ROBERT HOUSTON, Director of  
Department of Correction for the  
State of Nebraska,

Respondent.

CASE NO. 4:11CV3224

MEMORANDUM  
AND ORDER

Petitioner has filed a Petition for Writ of Habeas Corpus under [28 U.S.C. § 2254](#) (Filing No. [1](#)), a Motion for Leave to Proceed in Forma Pauperis (Filing No. [3](#)), and a financial affidavit (Filing No. [4](#)).

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). However, pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#), and after considering Petitioner's financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the fee at this time.

IT IS THEREFORE ORDERED that: Plaintiff's Motion for Leave to Proceed in Forma Pauperis (Filing No. [3](#)) is provisionally granted and Petitioner will not be required to pay the \$5.00 fee at this time.

DATED this 20<sup>th</sup> day of December, 2011.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge

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